

Exhibit 2

**DECLARATION OF TOM BEAN
PURSUANT TO 28 U.S.C. § 1746**

I, Tom Bean, hereby make the following declaration based upon my personal knowledge:

1. I am over 21 years of age and am legally fit and qualified to testify in a court of law.

2. On September 22, 2022, the Commodity Futures Trading Commission ("CFTC") entered an order ("Order") against bZeroX, LLC ("bZeroX"), Kyle Kistner ("Kistner"), and me instituting proceedings, making findings, and imposing remedial sanctions in connection with conduct that the CFTC found violated the Commodity Exchange Act and CFTC Regulations.

3. From approximately June 1, 2019 to approximately August 23, 2021 (which the Order defines as the "bZx Relevant Period"), bZeroX was a Delaware LLC that Kistner and I founded, co-owned, and controlled. During the bZx Relevant Period, bZeroX created and operated the bZx Protocol (as defined in the Order) that facilitated the particular transactions that the CFTC found to be unlawful.

4. Specifically, during the bZx Relevant Period, I helped develop and promote a website to market, solicit members of the public to transact on, and facilitate access to and transactions on the bZx Protocol. In addition, I made public statements, appeared in interviews, wrote articles, led calls with community members that are publicly available on YouTube, and otherwise publicly marketed and solicited members of the public to utilize the bZx Protocol.

5. At least as early as February 2021, I had access to data (and caused bZeroX to produce such data to the CFTC) reflecting that, during a one-week period in February 2021, over 27% of bZx Protocol users were based in the United States and that over 38% of transactions on the bZx Protocol were engaged in by U.S.-based users.

6. On approximately August 23, 2021, Kistner and I transferred control of the bZx Protocol from bZeroX to the bZx DAO. The Order defines the "DAO Relevant Period" as

1 August 23, 2021 to the present and states that, “on December 18, 2021, [the bZx DAO] renamed
2 itself and is now doing business as the Ooki DAO.”

3 7. On approximately August 27, 2021, I participated in discussions on the bZx
4 DAO’s online discussion forum (“bZx Forum”) regarding an omnibus funding plan for going-
5 forward bZx DAO operations—including release of funds for marketing, operations,
6 development, community management, and legal expenses. In those discussions, among other
7 things, I wrote that “[t]he bZx DAO Funding proposal has proceeded from Forum Discussion to
8 snapshot vote.” The bZx DAO ultimately voted to approve the proposal, resulting in release of
9 funds from the bZx DAO Treasury (which contained bZx Protocol revenue) to pay the approved
10 expenses.
11

12 8. During the DAO Relevant Period, through November 2021, I performed
13 programming work for the bZx DAO in connection with the bZx DAO’s efforts to deploy the bZx
14 Protocol more broadly to the public.
15

16 9. My personal Twitter account is @TCBean. From that account, I did the following:


- 17 a. Retweeted an October 27, 2021 KuCoin tweet noting that KuCoin was listing
18 the bZx Protocol’s BZRX governance token;
19
20 b. Retweeted November 26, 2021, November 27, 2021, November 30, 2021,
21 March 6, 2022, and September 1, 2022 Ooki DAO tweets advertising the Ooki
22 Protocol;
23
24 c. Retweeted a July 2, 2022 DeBank DeFi tweet noting that debank.com was now
25 tracking the Ooki DAO’s portfolio; and an August 12, 2022 Coinbase tweet
26 noting “Assets added to the roadmap today: Ooki Protocol.”
27

28 10. During the DAO Relevant Period, I was a United States citizen and engaged in
activities described above in Paragraphs 6-9 in the United States.

1 11. While I was engaging in the activities described above, I was aware that the bZx
2 Protocol was being offered to every person in the world (and thus in the United States) through
3 the bZx DAO's website.
4

5
6 I declare under the penalty of perjury that the foregoing is true and correct.

7 Executed on this 1st day of June 2023 in Atlanta, GA
8

9 
10 Tom Bean